

**Notice of Allowability**

Application No.

09/896,249

Examiner

Mariceli Santiago

Applicant(s)

PEI ET AL.

Art Unit

2879

CA

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed March 26, 2004.
2. ☒ The allowed claim(s) is/are 1-21 and 25-61.
3. ☒ The drawings filed on 28 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The Amendment, filed on March 26, 2004, has been entered and acknowledged by the Examiner.

Cancellation of claims 22-24 has been entered.

Claims 1-21 and 25-61 are pending in the instant application.

### ***Allowable Subject Matter***

Claims 1-21 and 25-61 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation of inert gas located in open space of the sealed enclosure, the inert gas consisting of at least one of (a) helium at a partial pressure of at least  $2 \times 10^{-5}$  torr and (b) at least one of neon, krypton, xenon and radon at a partial pressure of at least  $5 \times 10^{-7}$  torr.

Regarding claims 2-12, claims 2-12 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

Regarding claim 13, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 13, and specifically comprising the limitation of a container that encloses inert gas, the container having a wall through which further inert gas passes from the container to the open space of the sealed enclosure.

Regarding claims 14-21 and 25-30, claims 14-21 and 25-30 are allowable for the reasons given in claim 13 because of their dependency status from claim 13.

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Regarding claim 31, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation of the open space of the sealed enclosure containing the inert gas consisting of at least one of (a) helium at a partial pressure of at least  $2 \times 10^{-5}$  torr and (b) at least one of neon, krypton, xenon and radon at a partial pressure of at least  $5 \times 10^{-7}$  torr.

Regarding claims 32-38 and 47, claims 32-38 and 47 are allowable for the reasons given in claim 31 because of their dependency status from claim 31.

Regarding claim 39, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 39, and specifically comprising the limitation of supplying the open space of the sealed enclosure with further inert gas from a container having a wall through which the further inert gas passes from the container to the open space of the sealed enclosure.

Regarding claims 40-46 and 48, claims 40-46 and 48 are allowable for the reasons given in claim 39 because of their dependency status from claim 39.

Regarding claim 61, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 61, and specifically comprising the limitation of a reservoir for supplying further gas to the open space of the sealed enclosure, the reservoir comprising at least open piece of inert-gas compound material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*WMS 5/17/04*  
Mariceli Santiago  
Patent Examiner  
Art Unit 2879

*Nimesh Patel*  
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